

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|----------------------|
| PEORIA TAZEWELL PATHOLOGY |) | |
| GROUP, S.C.; CONSULTANTS IN |) | |
| LABORATORY MEDICINE AND |) | |
| PATHOLOGY, LTD.; CONSULTANTS IN |) | |
| CLINICAL PATHOLOGY, LTD.; |) | |
| R GLENN HESSEL, M.D.; RONALD |) | |
| CHAMPAGNE, M.D., |) | |
| |) | |
| Plaintiffs, |) | CASE NO. 11 cv 04317 |
| |) | |
| v. |) | |
| |) | JUDGE John W. Darrah |
| JACK MESSMORE, ACTING DIRECTOR |) | |
| OF THE STATE OF ILLINOIS |) | |
| DEPARTMENT OF INSURANCE, in His |) | |
| Official Capacity; ILLINOIS |) | |
| DEPARTMENT OF INSURANCE; LISA |) | |
| MADIGAN, ATTORNEY GENERAL OF |) | |
| THE STATE OF ILLINOIS, in Her Official |) | |
| Capacity; STATE OF ILLINOIS |) | |
| c/o LISA MADIGAN, ATTORNEY |) | |
| GENERAL OF THE STATE OF |) | |
| ILLINOIS, |) | |
| |) | |
| Defendants. |) | |

NOTICE OF PARTIAL DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Plaintiffs, Peoria Tazewell Pathology Group, S.C., Consultants in Laboratory Medicine and Pathology Ltd., Consultants in Clinical Pathology, Ltd., R. Glenn Hessel, M.D. and Ronald Champagne, M.D. (collectively "Plaintiffs") hereby dismiss without prejudice only Counts II, III, IV, V and VI of their Verified Complaint for Declaratory and Injunctive Relief and Attorney Fees. Count I and the entire Prayer for Relief and all facts pertinent thereto are not dismissed.

Respectfully submitted,

Peoria Tazewell Pathology Group, S.C.,
Consultants in Laboratory Medicine,
Pathology, Ltd., and Consultants in Clinical
Pathology, Ltd., R. Glenn Hessel, M.D. and
Ronald Champagne, M.D.

By: /s/ Joseph J. Jacobi
One of their Attorneys

ATTORNEYS FOR PLAINTIFFS

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Dated: September 1, 2011

CERTIFICATE OF SERVICE

I, Joseph J. Jacobi, an attorney, hereby certify that on September 1, 2011, I electronically filed Plaintiff's Notice of Partial Dismissal Without Prejudice with the Clerk of the Court using the Electronic Case Filing System and in compliance with the General Order on Electronic Case Filing, Section III(B)(1). As such, these documents were served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

/s/ Joseph J. Jacobi